

### **REMARKS/ARGUMENTS**

In response to the Office Action, Applicant respectfully requests reconsideration. Claims 1 - 43 were pending in this application. Claim 4 has been cancelled. Claims 1, 5, 9 - 12, 14, 16 - 19, 33, and 35 - 39 have been amended. Claims 1 - 3 and 5 - 43 remain in this application.

Applicant submits that support for these amendments can be found in the dependent claims and the disclosure as originally filed, and therefore no new matter has been added.

Applicant respectfully requests reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

#### **Interview**

Applicants express their gratitude to the Examiner for the courtesies extended to Applicants' undersigned representative during the personal interview conducted on January 23, 2008. During the teleconference, the Examiner and Applicants' representative discussed amending certain independent claims (i.e., 1, 12, 18, 33, 35, 39) to further distinguish the present invention from the cited reference, (i.e., "California" 102(b) reference (as defined in the Office Action dated 9/14/07), and Orr, Yeang, and IPCC references combined with California for 103 Rejection)).

Applicant argued that the California reference merely discusses the general "concept of an interchangeable credit, the details of how such credits would be generated, banked, and used or traded would be specified in district rules. The proposed statewide regulation establishes only the general framework criteria for district programs. IPCC merely discusses a method of calculating CO2 emissions. Orr merely discusses a GIS information system for air quality. Yeang merely discusses using maps to show CO2 emissions. Applicants argued that the combination of references under 103 does not render the claims obvious since certain claimed elements are still missing (what is lacking in the California reference is not found in the cited references).

Applicants' claims, on the other hand, express *specific* implementation schemes for carbon *sink* registration, carbon *source* registration, and ERC *trading* between purchasers and sellers. It is these specific implementation schemes that are not taught by California or the other cited references. Applicant further argued that Claim 4 - selecting an accreditation level that determines the fee is not disclosed or taught by the references and that Claim 5 - dividing the percentage of the ERC value not credited to the account according to the accreditation level (and the details of the plurality funds) is not disclosed or taught by the references. Furthermore, Claim 41, 42, and 43 - unique mapping method to manage GHG reductions with virtual boxes is not disclosed or taught by the references. A summary of Applicant's arguments was included in the Applicant Initiated Interview Request Form - Attachment, incorporated herein by reference.

During the interview, the Examiner appeared to indicate that the language in claims 4 and/or 5 may be patentable over the prior art, if incorporated into the base claim and/or other independent claims. The Examiner also appeared to indicate that claims 41, 42, and 43 as they relate to mapping GHG emissions may be patentable over the cited art without amendment.

Although no formal agreement was reached, it is Applicants' understanding that barring additional materially relevant art, the present claims are now in condition for allowance. The reasons that Applicants believe the claims are patentable are set forth above and summarized in the remarks that follow.

Rejections of claims 1 - 3, and 5 - 40 under 35 USC 102(b) & 103

Claims 1 - 6, 8 - 11, 18 - 23, 33 - 36 and 38 have been rejected under 35 USC 102(b) as being anticipated by "California" (as defined by the Office Action page 2). The claims dependent therefrom have been rejection under 35 USC 103 in view of additional prior art references. Based upon the above Amendments and following Remarks, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 1 - 3, and 5 - 40.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as contained in the claim. The elements must be arranged as required by the claim.

Claim 1, as amended, includes a unique accreditation feature (shown in more detail in **Figures 17 – 19**) wherein a customer selects an "accreditation level from a plurality of accreditation levels which determine a percentage of the ERC value that will be credited to the carbon sink customer account with the remaining percentage of ERC value being divided among a plurality of funds outside the carbon sink customer account". This feature is not disclosed or suggested by the prior art of record, alone or in combination. Independent claims 12, 18, 33, 35, and 39 also now include this feature.

Applicant further submits that the present invention as claimed is not obvious in view of *California* alone or in combination with any of the cited references. To establish *prima facie* obviousness of a claimed invention, all the claims limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Applicant has already shown that *California* does not teach or suggest the accreditation levels. Since all words in a claim must be considered for judging the patentability of the claim against the prior art, the omission of the accreditation level precludes a finding of obviousness.

The dependent claims incorporate all of the subject matter of their respective independent claims and add additional subject matter, which makes them a fortiori and independently patentable over the art of record. Accordingly, Applicant respectfully requests that the outstanding rejections of claims 1 - 3, and 5 - 40 be reconsidered and withdrawn.

Rejections of claims 41 - 43 under 35 USC 103

Claims 41 - 43 have been rejected under 35 USC 103 as being obvious in view of "California" and Yeang. Based upon the following Remarks, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 41 - 43.

Applicant submits that claims 41 - 43 are not obvious in view of the cited references alone or in combination with any other cited references. To establish *prima facie* obviousness of a claimed invention, all the claims limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Without conceding the propriety of the asserted combination, "California" and Yeang do not teach or suggest the VGT virtual box for mapping emission and reduction information. Since all words in a claim must be considered for judging the patentability of the claim against the prior art, the omission of this feature precludes a finding of obviousness. If an independent claim is nonobvious under 35

U.S.C. 103, then any claim depending therefrom is nonobvious. Applicant respectfully requests that the outstanding rejections be reconsidered and withdrawn.

Conclusion

Applicant has demonstrated that the relied referenced including "California" and Yeang, alone or in combination, do not anticipatively disclose each and every aspect of the claimed invention, or fairly make a prima facie obvious case of the claimed invention. In view of the foregoing, this application should be in condition for allowance. A notice to this effect is respectfully requested.

Respectfully submitted,

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